

## Waste Tire Management Rule Changes and Readoption

LSA Document #05-168

### Overview

This rule adopts a number of changes to the waste tire management rules to clarify and streamline the rules and to readopt the article before it sunsets on January 1, 2007.

### Citations Affected

329 IAC 15

### Affected Persons

Owners and operators of waste tire storage sites and waste tire processing operations, and waste tire transporters.

### Reasons for the Rule

This rule clarifies issues in Indiana's waste tire management rules and makes them easier to use and maintain consistency with Indiana's waste tire laws.

### Economic Impact of the Rule

This rule will have minimal economic impact. It may provide limited cost savings to some regulated entities.

### Benefits of the Rule

This rule will make Indiana's waste tire management program easier to comply with and more effective.

### Description of the Rulemaking Project

This rule would:

- make the rules clearer and maintain consistency with IC 13-20-13 and IC 13-20-14,
- allow regulated entities to use common industry units of measurement for waste tire reports and calculations,
- eliminate the requirement for facility signs and replace it with a requirement for waste tire storage sites and waste tire processing operations to provide a copy of their contingency plan to the local fire department,
- clarify the requirements for waste tire processing operations, including mobile waste tire processing operations,
- clarify that a waste tire processing operation that also meets the definition of a waste tire storage site because it accumulates one thousand (1,000) or more waste tires outdoors (or two thousand (2,000) or more waste tires in a completely enclosed structure) must register as a waste tire storage site and provide financial assurance, as required by Indiana law,
- remove the Annual Tire Summary form from the rule;
- update the Waste Tire Manifest form to make it easier to use and reproduce and to meet State Board of Accounts forms standards,

- clarify the financial assurance requirements for waste tire storage sites and the requirement to update the closure cost estimate, and
- readopt 329 IAC 15 in accordance with IC 13-14-9.5 using the rulemaking procedures in IC 13-14-9.

### Scheduled Hearings

First Public Hearing: July 18, 2006

Second Public Hearing: November 21, 2006

### Consideration of Factors in IC 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:  
(A) human, plant, animal, or aquatic life; or  
(B) the reasonable enjoyment of life and property.

### Consistency with Federal Requirements

There are no corresponding federal regulations.

### Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first public hearing, and the draft rule. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are heard. Once final adoption occurs, the rule must be approved by the Indiana Attorney and the Governor. If approved, the rule becomes effective 30 days after filing with the Indiana Register.